CLERK'S OFFICE U.S. DIST. COURT

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ROANOKE DIVISION

NOV - 2 2006

ANDREW P. WINDSOR,
Petitioner,

Output CLERK

In accordance with the memorandum opinion entered this day, it is hereby **ORDERED** and **ADJUDGED** that the above-captioned suit is **DISMISSED** without prejudice, all other pending motions are hereby **DENIED** as **MOOT**, and this action is stricken from the active docket of the court.

Windsor is advised that he may appeal this decision pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure by filing a notice of appeal with this court within 60 days of the date of entry of this order, or within such extended period as the court may grant pursuant to Rule 4(a)(5).

The clerk is directed to send certified copies of this order and the accompanying memorandum opinion to the petitioner and counsel for the respondent.

ENTER: This 2rx day of October, 2006.

Senior United States District Judge